

GHAJAR EXHIBIT 38

3/3/2025

Richard Kadrey, et al. v. Meta Platforms, Inc.
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STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, ET AL.,)

Individual and Representative)

Plaintiffs,) Lead Case No.

v.) 3:23-cv-03417-VC

META PLATFORMS, INC.,)

Defendant.)

* * * HIGHLY CONFIDENTIAL * * *

* * * ATTORNEYS' EYES ONLY * * *

VIDEO-RECORDED 30(b)(6) DEPOSITION OF

MICHAEL CLARK (torrenting)

MONDAY, MARCH 3, 2025

DENVER, COLORADO

10:20 A.M. MST

REPORTED BY KATHY L. DAVIS, CRR, RMR

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1 A Not that I am aware of.

2 Q When did Meta's torrenting of Anna's
3 Archive end?

4 A In conversations with Xiaolan, it was
5 somewhere between April and June of 2024. And as far
6 as I know, those completed in June of 2024.

7 Q So Meta began torrenting in April and
8 completed its torrenting in June?

9 A For the work that Xiaolan was doing, yes.

10 Q So it was two months of torrenting --
11 MR. WEINSTEIN: Object. Object to form.

12 Q (BY MS. POUEYMIROU) -- or thereabouts?

13 A It was -- the job would be started and
14 then other pieces, so two months.

15 Q How many computers?

16 A There were -- I'd have to refresh my
17 conversation with Xiaolan. If I'm remembering
18 correct, it was six VPCs that were configured, but I
19 believe that is also reflected in the expert report
20 that I can go look at as well.

21 Q So six computers running in parallel were
22 torrenting data from Anna's Archive?

23 A Six machines were configured in order to
24 be able to tur -- to torrent. They were not always
25 running in parallel.

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1 Q (BY MS. POUEYMIROU) And to clarify,
2 Mr. Bashlykov was not involved in the torrenting of
3 Anna's Archive; is that right?

4 A To the best of my knowledge,
5 Mr. Bashlykov shared the script that he had used but
6 was not involved in the torrenting.

7 Q And so we've talked about Anna's Archive,
8 which encompasses Z-Lib -- or Z-Library, Internet
9 Archive, LibGen with respect to torrenting. Has Meta
10 torrented other data in this case for training data?

11 A Not that I'm aware of.

12 Q So it only has used BitTorrent for what I
13 will call shadow libraries?

14 MR. WEINSTEIN: Object to form.

15 A Could you define that term for me.

16 Q (BY MS. POUEYMIROU) A shadow library?

17 A Yeah.

18 Q We will look at a document where Meta
19 defines it in a second.

20 MS. POUEYMIROU: Is this Exhibit 8?

21 THE REPORTER: (Nodded.)

22 MS. POUEYMIROU: Okay. Thank you.

23 (Clark Exhibit 8, marked for
24 identification.)

25 Q (BY MS. POUEYMIROU) This is Meta

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1 or Facebook?

2 A That's a little -- that's a misstatement
3 of what I -- I -- it would be details about Meta's
4 internal infrastructure and IP addresses and any
5 other potential information that might be shared in
6 any of the header details, not just that it's a Meta
7 or Facebook IP.

8 Q But you're unable to identify any of the
9 information beyond the Meta IP address that would be
10 shared?

11 A The internal Meta IP address --

12 Q Okay.

13 A -- and any other internal details --

14 Q Okay.

15 A -- not just the external. Those are --
16 those are different.

17 Q And so at this point in time, April 2024,
18 Mr. Bashlykov's scripts for seeding already exists?

19 A That's correct.

20 MR. WEINSTEIN: Object to form.

21 Q (BY MS. POUEYMIROU) Right?

22 A (Deponent nodded.)

23 Q So why are they still worried about this
24 risk?

25 MR. WEINSTEIN: Object to form, calls for

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1 STATE OF COLORADO)
2) ss. REPORTER'S CERTIFICATE
3 COUNTY OF DENVER)

4 I, Kathy L. Davis, do hereby certify that I am a
5 Registered Professional Reporter within the State of
6 Colorado; that previous to the commencement of the
7 examination, the deponent was duly sworn to testify
8 to the truth.

9 I further certify that this deposition was taken
10 in shorthand by me at the time and place herein set
11 forth, that it was thereafter reduced to typewritten
12 form, and that the foregoing constitutes a true and
13 correct transcript.

14 I further certify that I am not related to,
15 employed by, nor of counsel for any of the parties or
16 attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my signature
19 this 4th day of March, 2025.

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Kathy L. Davis
Certified Realtime Reporter